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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/680,692

10/08/2003

Bill Askew

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06/26/2006

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EXAMINER

OCHOA, JUAN CARLOS

ART UNIT

PAPER NUMBER

2123

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/680,692	Applicant(s) ASKEW ET AL.	
	Examiner Juan C. Ochoa	Art Unit 2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1–3 are presented for examination.

Specification

2. The disclosure is objected to because of the following informalities: Page 3, [0010] of application's description references accompanying drawings. Application submittals do not include drawings. Examiner unclear if application should have accompanying drawings or not.
3. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Regarding claim 3, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

Art Unit: 2123

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1–3, are rejected under 35 U.S.C. 102(b) as being anticipated by Barry, (Barry hereinafter), Space Shuttle Payload Customer Support Tools: Orbiter-in-a-Box.

9. As to claim 1, Barry discloses a system for accurately predicting payload performance at a location remote from an intended launch vehicle or it's associated computer controls (see page 278, col. 2, Fig. 1), comprising: a.) A Mission Operations Tool for collecting information for payload operations products and support (see page 278, col. 2, 5th paragraph); b.) A Command and Data Tool for creating command and data tables to facilitate communications with the Orbiter-in-a-Box (see page 278, col. 2, 3rd paragraph); c.) An Orbiter-in-a-Box Tool portable in nature and having an embedded real-time model of launch vehicle avionics capable of emulating the launch vehicle environment (see page 277, col. 1, 3rd paragraph); d.) A General Purpose Emulator enabling payload customers to create and test mathematical model of their payload capable of use in crew training and vehicle simulations on manned flights (see page 278, col. 2, 4th paragraph).

10. As to claim 2, Barry discloses a system further comprising a Shared Data Repository (see page 280, col. 1, next to last paragraph, last 4 lines) wherein data for a plurality of payloads may be uploaded to a shared server to enable the launching

agency to integrate such data into a model of all intended payloads for a particular flight (see page 280, col. 2, next to last paragraph, last 6 lines).

11. As to claim 3, Barry discloses a method for accurately predicting payload performance at a location remote from an intended launch vehicle or its associated computer controls, comprising: a.) Distributing portable systems such as is described in claim 1 to payload customers (see page 278, col. 1, 3rd paragraph, lines 6-7); b.) Allowing input from said customers concerning customer payload(s) (see page 278, col. 1, 3rd paragraph, lines 10-13); c.) Processing said data to form a data set capable of integration by a launching agency to form an accurate and integrated model of all intended payloads (see page 278, col. 1, last paragraph and col. 2, 1st paragraph).

Conclusion

12. Examiner would like to point out that any reference to specific figures, columns and lines should not be considered limiting in any way, the entire reference is considered to provide disclosure relating to the claimed invention.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juan C. Ochoa whose telephone number is (571) 272-2625. The examiner can normally be reached on 7:30AM - 4:00 PM.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on (571) 272-3753. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2123

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*** *jo* 6/21/06

Paul L. Rodriguez
Paul L. Rodriguez
Primary Examiner
Art Unit 2125 2123 6/22/06